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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,704	09/17/2003	Yoichi Nemugaki	242935US3	3973

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EXAMINER	
LAZORCIK, JASON L	

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
07/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/663,704	Applicant(s) NEMUGAKI, YOICHI	
	Examiner Jason L. Lazorcik	Art Unit 1731	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☒ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: 13.
 Claim(s) rejected: 8-11 and 14.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 3. NOTE:

Applicants amendment of the preamble to claim 8, line 8 from reading "a plurality of air-supply boxes " to "an air-supply box" and the added limitation drawn to the plurality of flow paths in lines 9-12 have altered the scope of the claim to an extent that will demand further search and/or further consideration of the prior art of record.

Applicants Amendment to Claim 14 to recite that the "air-nozzle swingable in the conveying direction of the glass sheet" has changed the scope of the identified claim in a manner that will necessitate further search and/or consideration.

Further regarding the indicated new matter issue, it appears that Applicants specification provides adequate support for an upper and a lower "air-supply box" (100,102) consisting respectively of a plurality of "air-supply boxes" (e.g. 100A-J and 102A-J). The latter "air-supply boxes" are explicitly indicated to control the blow/stop operation (e.g. "a plurality of air-supply boxes provided in each of the upper and lower blowing members so as to control blow/stop of cooling-air from each of the blowing members" ¶[0070]). However Applicants instant amendment appears to limit the control of the blow/stop operation to the singular upper and lower "air-supply box" (100, 102) and not to the "air-supply boxes". The ambiguity/new-matter issue is underscored by in Applicants Specification ¶[0071-0072] which recite in part;

"[0071] To the upper air-supply box 100 and the lower air-supply box 102, ducts 104 and 106 are respectively connected, and to these ducts 104 and 106, an air supply source 200 constituted by e.g. a blower is connected. Therefore, cooling air from the air supply source 200 is supplied to the upper air-supply box 100 and the lower air-supply box 102 via ducts 104 and 106.

Detail Description Paragraph - DETX (33):

[0072] The upper air-supply box 100 is, as illustrated in FIG. 1, divided into air-supply boxes from 100A located most upstream in the conveying path of a glass sheet 18 (refer to FIG. 6) to 100J as tenth air-supply box, the lower air supply box 102 is divided into air-supply boxes 102A, . . . in the same manner (a side of the air-supply box 102 is not shown), and the ducts 104 and 106 are connected to each of the divided boxes. Further, the divided boxes have the respective air nozzles 25A to 25J and 27A to 27J (refer to FIG. 4). Further, the upper air-supply box 100 and the lower air-supply box 102 have, as shown in FIG. 12 to be described later, 20 air nozzles 25A to 25T and 27A to 27T respectively, and among them, air nozzles 25A to 25J and 27A to 27J are disposed on the side of the 10 divided boxes, and the remaining air nozzles 25K to 25T and 27K to 27T are all connected to a 11th large-sized air-supply box, not shown. Here, in FIG. 1, the air-supply box 102, the 11th large-sized air-supply box and the air nozzles 25K to 25T and 27K to 27T are omitted. Here, each of the air nozzles 25A to 25J in FIG. 4 employs a swingable head so as to blow air perpendicularly to the conveying plane of a glass sheet. However, the present invention is not limited thereto. The nozzle may be of a type of fixed head."

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants arguments regarding the applicability of Nemugaki and Nikander turn upon the proposed amendments which have not been entered at this time for the reasons indicated above. As such they are not further considered in this communication. Examiner disagrees.

With respect to the Dominka reference, applicant argues that "the damper...is not taught as being provided in an air supply box used in air cooling and tempering". For this reason, Applicant concludes that one of ordinary skill "could not" modify the Nemaguki reference as indicated in the prior Office Action. Examiner disagrees. As indicated in the previous Office Action (page 5) Dominka teaches that the valve provides precision actuation, low associated construction and installation costs, and enhanced durability. For at least these reasons, the Dominka valve would have been an obvious valve choice in the Nikander apparatus.



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